

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEFFREY D ARMITIGE,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-06-00367
	§	
WILMA JENSEN CHERRY, <i>et al</i> ,	§	
	§	
Defendant.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

On April 27, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that:

(1) Defendants' motion for summary judgment to dismiss plaintiff's claims for failure to exhaust administrative remedies be denied;

(2) Plaintiff's claims for monetary damages against defendants in their official capacities be dismissed as time barred by the Eleventh Amendment; and

(3) Defendants' motion for summary judgment to dismiss plaintiff's claims of deliberate indifference based on their entitlement to qualified immunity (D.E. 20) be granted.


Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that 1) defendants' motion for summary judgment to dismiss plaintiff's claims for failure to exhaust administrative remedies is denied; 2) plaintiff's claims for monetary damages against defendants in their official capacities are dismissed as time barred by the

Eleventh Amendment; and 3) defendants' motion for summary judgment to dismiss plaintiff's claims of deliberate indifference based on their entitlement to qualified immunity (D.E. 20) is granted.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 30th day of May, 2007.


Janis Graham Jack
United States District Judge